

Proceedings of the Arizona Game and Fish  
Commission License Revocation and Civil  
Assessment Hearings  
Time Certain – 2:00 p.m.  
Friday, September 7, 2012  
Arizona Game and Fish Department  
5000 West Carefree Highway  
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

Norman W. Freeman  
Commissioner Jack F. Husted  
Commissioner John W. Harris  
Commissioner Robert E. Mansell  
Commissioner Kurt R. Davis

Director Larry D. Voyles  
Deputy Director Bob Broscheid  
Deputy Director Gary R. Hovatter  
Assistant Attorney General Jim Odenkirk  
Assistant Attorney General Linda Pollock

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments  
for the Illegal Taking and/or Possession of Wildlife

**Presenter:** Gene Elms, Law Enforcement Branch Chief

Mr. Elms presented the cases below to the Commission. Each of these cases were reviewed and it was determined that all cases met the criteria established in A.R.S. §17-238, §17-245 §17-314, §17-340, §17-362, §17-363 and/or §17-502 for Commission action. The Commission and the respondents were provided with copies of the original court docket and case reports prepared by the officers along with copies of all other pertinent materials in each of these cases. Each of the following individuals was legally noticed for this hearing.

<b>Name</b>	<b>Docket #</b>	<b>Count</b>	<b>Conviction</b>
Dennis M. Leonard	2012-0042	Count A:	Take Wildlife Without License (Deer)
		Count D:	Possession of Unlawfully Taken Wildlife
Scott G. MacDonald	2012-0047	Count A:	Trapping on Public Lands
Kevin P. Pettit	2012-0048	Count A:	Waste of Edible Game Meat (Javelina)
David L. Ingram	2012-0049	Count B:	Destruction of Livestock While Hunting
Michael W. Ingram	2012-0050	Count C:	Destruction of Livestock While Hunting
Cory J. Rickerl	2012-0051	Count B:	Destruction of Livestock While Hunting
Scott C. Bowse	2012-0054	Count A:	Obtain Resident License by Misrepresentation

Roll call was taken and the following were present: Scott MacDonald, David Ingram and Michael Ingram.

Mr. Elms stated that the civil assessment process is not intended to be punitive, but is a process allowing the Commission to recover financial damages to compensate the State for the loss of any wildlife. Hunter Education requirements are imposed as a remedial measure to increase knowledge and prevent future violations and not as punishment. The Commission was asked to

consider and take action on the license revocations and/or civil assessments for the individuals listed above.

**Motion:** Husted moved and Mansell seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

**Vote:** Unanimous

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Scott G. MacDonald

Docket # 2012-0047

Goodwin was found guilty by the Snowflake Justice Court for: Count A: Trapping on public lands; and sentenced: Fined \$100.00 to the Wildlife Theft Prevention Fund.

Case Officer Wagner was present.

MacDonald was present and addressed the Commission apologizing for his actions. He lost a job opportunity because of this citation. He would never knowing set a trap on state land and jeopardize his job. He thought he was on the ranch property, but has since bought a GPS and checked his location. He was clearly on state land and was wrong, so he is willing and ready to pay for the badger and coyote, but asked that his hunting license not be revoked.

**Motion:** Harris moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF SCOTT G. MACDONALD TO TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF ONE (1) YEAR; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST SCOTT G. MACDONALD TO COLLECT THE AMOUNT OF \$250.00 FOR THE LOSS OF ONE (1) BADGER AND \$250.00 FOR THE LOSS OF ONE (1) COYOTE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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The cases of David Ingram, Michael Ingram and Cory Rickerl are related.

David L. Ingram

Docket # 2012-0049

Ingram was found guilty by the Kingman/Cerbat Justice Court for: Count B: Destruction of livestock or personal property while hunting; and sentenced: Fined: \$750.00, and \$1000.00 in restitution to victim.

Mr. Elms presented the Commission with a map that was provided by Mr. Ingram.

Case Officer Antolik was present by phone.

Ingram was present and addressed the Commission stating that he was sorry about the whole thing. There was nothing posted for no hunting in the area where they were. They thought they were wild hogs unregulated by the Game and Fish. They were not hunting in the areas where the photos were taken and they had nothing to do with the carcass that was found. In regards to the locked gate, Michael and Cory could not find a way back in to pick him up because of the snow, and so they cut the locked gate. He told them they should never have done that. Additionally, this whole incident has cost them \$12,000 plus the three javalina that were legally taken were confiscated and then disposed of and not returned to them. So this has already been very costly.

Michael Ingram addressed the Commission on behalf of his father David Ingram. He stated that he is the one who shot the pig and he is the one who cut the lock, so there is no reason for his father or Cody to lose their license. He takes full responsibility for his actions that day. Michael Ingram read a prepared statement to the Commission on the events that happened in this case.

The Commission took no action in the case of David L. Ingram.

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Michael W. Ingram

Docket # 2012-0050

Ingram was found guilty by the Kingman/Cerbat Justice Court for: Count C: Destruction of livestock or personal property while hunting; and sentenced: Fined \$750.00, and \$1000.00 in restitution to victim.

Case Officer Antolik was present by phone.

Michael Ingram was present, but did not address the Commission again following his father David Ingram's proceedings.

Commissioner Husted explained that Michael Ingram cut a lock and sportsmen do not do that, and no attempt was made to contact the rancher.

**Motion:** Husted moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MICHAEL W. INGRAM TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF ONE (1) YEAR; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE

THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Chairman Freeman stated that he will probably not vote for the motion because it is a bit too light. He also cautioned anyone from saying that you can shoot unregulated wildlife because if it is on private property it could be claimed as livestock.

**Vote:** Aye - Husted, Harris, Mansell, Davis  
Nay - Freeman  
Passed 4 to 1

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Cory J. Rickerl  
Docket # 2012-0051

Rickerl was found guilty by the Kingman/Cerbat Justice Court for: Count B: Destruction of livestock or personal property while hunting; and sentenced: Fined \$750.00, and \$1000.00 in restitution to victim.

Rickerl was not present.

The Commission took no action in the case of Cory J. Rickerl.

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Dennis M. Leonard  
Docket # 2012-0042

Leonard was found guilty by the North Canyon Justice Court for: Count A: Take wildlife without license; and Count D: Possess unlawfully taken wildlife; and sentenced: Fined \$1,270.00 combined.

Leonard was not present.

The Case Officer was present and the antlers were provided for viewing.

**Motion:** Husted moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DENNIS M. LEONARD TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S

LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST DENNIS M. LEONARD TO COLLECT THE AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) TROPHY MULE DEER; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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Kevin P. Pettit

Docket # 2012-0048

Pettit was found guilty by the Pima County Consolidated Justice Court for: Count A: Waste of edible game meat; and sentenced: Fined \$370.00.

Pettit was not present, but sent a letter which Mr. Elms provided to the Commission.

Chairman Freeman read the letter into the record. The letter stated that the only reason he is in trouble is because he relied on his guide. He has hunted with guides in the past, so he had an idea of what to expect and an expectation that the guides would take care of everything. He is an ethical hunter and doesn't believe his license should be revoked.

The Case Officer was present on the phone and answered questions for the Commission. There has been some issues in the past with the outfitters related to this case.

**Motion:** Harris moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF KEVIN P. PETTIT TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF ONE (1) YEAR; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Motion to Amend:** Davis moved and Mansell seconded THAT THE COMMISSION VOTE TO AMEND THE MOTION TO A TWO YEARS REVOCATION PERIOD.

**Vote:** Unanimous

**Amended Motion:** Harris moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF KEVIN P. PETTIT TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TWO (2) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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Scott C. Bowse  
Docket # 2012-0054

Bowse was found guilty by the Hassayampa Justice Court for: Count A: Obtain resident license by misrepresentation; and sentenced: Fined \$308.00.

Bowse was not present but sent a letter to the Department. Mr. Elms read the letter to the Commission. The letter from Mr. Bowse explained that he was advised first by a friend and then by the store clerk that he was eligible to apply for a resident hunting license.

Commissioner Harris confirmed with the Case Officer that Mr. Bowse had purchased non-resident hunting licenses in the previous years.

**Motion:** Davis moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF SCOTT C. BOWSE TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST SCOTT C. BOWSE TO COLLECT THE AMOUNT OF \$350.00 FOR THE LOSS OF SEVEN (7) DOVES; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Motion to Amend:** Husted moved and Harris seconded THAT THE COMMISSION VOTE TO AMEND THE MOTION TO A THREE YEAR LICENSE REVOCATION PERIOD.

**Vote:** Aye - Husted, Harris, Mansell  
Nay - Freeman, Davis  
Passed 3 to 2

**Amended Motion:** Davis moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF SCOTT C. BOWSE TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST SCOTT C. BOWSE TO COLLECT THE AMOUNT OF \$350.00 FOR THE LOSS OF SEVEN (7) DOVES; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Aye - Husted, Harris, Mansell  
Nay - Freeman, Davis  
Passed 3 to 2

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These hearings concluded at 3:15 p.m.

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